

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 24317 of 2007(T)

PETITIONER:

S.A. SATHIKUMARY,
BHAGAVATHIKONATH PUTHEN VEEDU, KOONANVENGA,
NEDUMANGAD, TRIVANDRUM.

BY ADV. SRI.S.MOHANDAS

RESPONDENTS:

1. DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, TRIVANDRUM.
2. ASSISTANT EDUCATIONAL OFFICER,
PALODE, TRIVANDRUM.
3. HEADMASTER,
THENGUMOODE PANCHAYAT U.P.S., KALLARA GRAMA
PANCHAYAT, KALLARA, TRIVANDURM.
4. SECRETARY (MANAGER, THENGUMOODE U.P.S.),
KALLARA GRAMA PANCHAYAT, KALLARA, TRIVANDRUM.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Dated this the 18th day of August, 2007.

J U D G M E N T

Petitioner claims that she had worked in the aided school run by the Kallara Grama Panchayat during the period from June 16, 2000 till July 10, 2006. Ext.P3 shows that petitioner's appointment was approved by the Controlling Officer. Grievance of the petitioner is that she has not been paid salary for the period from June to November 2003 (both months inclusive).

2. Since the issue involved in this case falls in a narrow compass, I do not deem it necessary to go into the other aspects of the case. Admittedly petitioner is not a beneficiary of Rule 51A of Chapter XIV-A KER as held by their Lordships of the Supreme Court. Therefore the various service benefits claimed by her may not be available to her.

3. It is admitted by the petitioner that she had been paid salary till July 10, 2006 except for the short period mentioned above. The limited prayer is to grant her salary and allowances for the period during which she had worked. Though petitioner has caused to issue Ext.P8 lawyer notice to respondent No.1 making the above demand, she has not received any response nor has she been paid salary.

Having heard learned counsel for the petitioner and the learned Government Pleader and also having perused the materials available on record I am of the view that respondent No.1 has to necessarily take a decision in the matter. It will not be difficult to find out whether or not the petitioner had worked during the period from

June to November 2003 as claimed by her. If in fact she had, I do not find any reason why she shall be denied salary, particularly since her appointment was admittedly approved as could be seen from Ext.P3. It will be open to respondent No.1 to take a decision after calling for the relevant records from the school concerned and pass appropriate orders in accordance with law. This shall be done as expeditiously as possible at any rate within 3 months from the date of receipt of a copy of this judgment, after affording sufficient opportunity of hearing to the petitioner and the Manager of the school concerned .

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer
Judge.

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